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11 Attorneys for Plaintiff John P. Anderson, individually
12 and in his official capacity as a Sheriff of Madera County

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

12 JOHN P. ANDERSON, in his official capacity as the)
13 Sheriff of Madera County, and individually,)

14 Plaintiff,)

15 v.)

16 JACK DURAN, JR., in his purported official capacity)
17 as Judge of the Picayune Rancheria of the Chukchansi)
18 Indians Tribal Court;)

19 DONNA HOWARD, in her purported official capacity)
20 as Clerk of the Picayune Rancheria of the Chukchansi)
21 Indians Tribal Court;)

22 THE PICAYUNE RANCHERIA OF THE)
23 CHUKCHANSI INDIANS, a federally recognized)
24 Indian Tribe;)

25 CHUKCHANSI ECONOMIC DEVELOPMENT)
26 AUTHORITY, a wholly owned unincorporated entity)
27 of the Picayune Rancheria of the Chukchansi Indians;)
28 CHUKCHANSI INDIAN HOUSING AUTHORITY,)
a wholly owned unincorporated entity of the Picayune)
Rancheria of the Chukchansi Indians;)

CASE NO. 3:13-cv-04825-RS

[Action filed: 10-17- 13

Assigned to: Hon. Richard Seeborg
Dept: Courtroom 3]

**MOTION TO CONTINUE INITIAL
CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES
[PROPOSED] ORDER THEREON**

Date: January 23, 2014

Time: 11:00 a.m.

Courtroom: 3

New Date: April 23, 2013

Time: 11:00 a.m.

Courtroom 3

Slovak Baron Empey Murphy & Pinkney LLP
1800 East Tahquitz Canyon Way
Palm Springs, CA 92262

1 REGGIE LEWIS, in his purported official capacities)
 as chairman of the Picayune Rancheria of the)
 2 Chukchansi Indians; a representative of the)
 Chukchansi Economic Development Authority; and a)
 3 representative of the Chukchansi Indian Housing)
 Authority;)
 4 CHANCE ALBERTA, in his purported official)
 capacities as vice chairman of the Picayune Rancheria)
 5 of the Chukchansi Indians; a representative of the)
 6 Chukchansi Economic Development Authority; and a)
 7 representative of the Chukchansi Indian Housing)
 Authority;)
 8 CARL BUSHMAN, in his purported official capacities)
 as a council member of the Picayune Rancheria of the)
 9 Chukchansi Indians; a representative of the)
 10 Chukchansi Economic Development Authority; and a)
 11 representative of the Chukchansi Indian Housing)
 Authority;)
 12 IRENE WALTZ, in her purported official capacities as)
 a council member of the Picayune Rancheria of the)
 13 Chukchansi Indians; a representative of the)
 14 Chukchansi Economic Development Authority; and a)
 15 representative of the Chukchansi Indian Housing)
 Authority;)
 LYNN CHENOT, in her purported official capacities)
 16 as a council member of the Picayune Rancheria of the)
 17 Chukchansi Indians; a representative of the)
 18 Chukchansi Economic Development Authority; and a)
 representative of the Chukchansi Indian Housing)
 Authority;)
 19 DAVID CASTILLO, in his purported official)
 capacities as a council member of the Picayune)
 20 Rancheria of the Chukchansi Indians; a representative)
 21 of the Chukchansi Economic Development Authority;)
 and a representative of the Chukchansi Indian Housing)
 22 Authority; and)
 MELVIN ESPE, in his purported official capacities as)
 23 a council member of the Picayune Rancheria of the)
 24 Chukchansi Indians, a representative of the)
 Chukchansi Economic Development Authority; and a)
 25 representative of the Chukchansi Indian Housing)
 Authority.)

26 Defendants.)
 27)
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1 Pursuant to Civil Local Rules 16-2 and 7, Plaintiff John P. Anderson ("Plaintiff")
2 hereby moves the Court to continue the Initial Case Management Conference currently scheduled
3 for January 23, 2014 at 11:00 a.m., by approximately ninety (90) days, to April 23, 2014, or as soon
4 thereafter at the Court's convenience. All related deadlines, including Alternate Dispute Resolution
5 deadlines, should be continued accordingly.

6 1. On October 17, 2013, Plaintiff filed a Verified Complaint for Declaratory and
7 Injunctive Relief ("Verified Complaint") and an Application for Temporary Restraining Order and
8 Order to Show Cause Why a Preliminary Injunction Should not Issue ("TRO Application") against
9 the named Defendants. (Dkt. Nos. 2 and 6, respectively.)

10 2. The same day that Plaintiff filed his Verified Complaint and TRO Application, the
11 Court issued an ADR Scheduling Order (Dkt. No. 3) setting an Initial Case Management
12 Conference for January 23, 2014. The Court set related deadlines for the parties to meet and
13 confer and prepare a Joint Case Management Statement and disclosures as required by Rule
14 26(f).

15 3. The same day that Plaintiff filed his Verified Complaint and TRO Application, all
16 parties appeared before the Court at the Ex Parte hearing on Plaintiff's TRO Application except
17 for Defendants Jack Duran and Donna Howard (collectively, "Tribal Court Defendants"). At
18 the conclusion of the hearing, the Court granted Plaintiff's TRO Application and set the hearing
19 on Plaintiff's Request for a Preliminary Injunction on November 8, 2013. (Dkt. No. 18.)

20 4. Pursuant to stipulation by the parties, the Court continued the hearing date on
21 Plaintiff's Request for a Preliminary Injunction to November 22, 2013. (Dkt. No. 21.)

22 5. On November 22, 2013, a hearing was held regarding Plaintiff's Request for a
23 Preliminary Injunction at which time all parties were represented by counsel. On that date, the
24 Court was advised of the dismissal without prejudice of the Tribal Lawsuit filed by the Lewis
25 Faction which resulted in discussions, stipulations and orders being issued by the Court. The
26 Court continued the hearing on Plaintiff's Request for a Preliminary Injunction to January 27,
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1 2014. (Dkt. No. 114.)

2 6. After further discussion amongst the parties following the November 22, 2013
3 hearing date, the parties stipulated to continue the hearing on Plaintiff's Request for a
4 Preliminary Injunction to March 7, 2014. (Dkt. No. 118.) The Court issued an order continuing
5 the hearing on Plaintiff's Request for a Preliminary Injunction to March 7, 2014. (Dkt. No. 119.)

6 7. In light of the circumstances outlined above, this case is technically not yet at
7 issue. Plaintiff requests a continuance of the Initial Case Management Conference and related
8 deadlines, including Alternate Dispute Resolution deadlines, by approximately ninety (90) days
9 to allow Defendants time to appear and respond to the Verified Complaint.
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11 Accordingly, Plaintiff respectfully requests that the Court enter the accompanying order
12 permitting an approximately ninety (90) day extension of time for the Initial Case Management
13 Conference, from January 23, 2014 to April 23, 2014, and all related deadlines.

14 Dated this 10th day of January 2014. SLOVAK BARON EMPEY MURPHY & PINKNEY LLP
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16 /s/ Thomas Slovak (CASB# 62815)

17 THOMAS S. SLOVAK
18 Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been filed electronically on this 10th day of January 2014, and is available for viewing and downloading to the ECF registered counsel of record, if any, and has also been served by email as listed below.

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DATED this 10th day of January 2014.

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